

UNITED STATES BANKRUPTCY COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

In Re:

Roosevelt Coles  
Karen Coles

Debtors

Chapter 13

Case number: 15-10761

**JOINT PRETRIAL MEMORANDUM**

Now come counsel for the Debtors Roosevelt Coles and Karen Coles and the Creditor MTGLQ Investors, LP and state as follows:

**A. *Witness List:***

*Debtors' Witnesses To Be Presented:*

1. Roosevelt Coles

*Creditor MTGLQ Investors, LP Witnesses:*

1. Darla Martin from Rushmore Loan Management Services, the Servicer of the loan.

**B. *Exhibits:***

*Debtors' Exhibits:*

1. Proofs of payment
2. Debtors reserve the right to introduce as exhibits any documents produced in discovery

*MTGLQ Investors, LP Exhibits:*

101. Payment History

**C. *Specific statement of any objection reserved as to the admissibility of deposition testimony and/or admissibility of documents or exhibits.***

Debtors' reserved objections: Debtor reserves the right to object to documents and

exhibits based on hearsay, authentication, relevance, and any other objection available under the Federal Rules of Evidence, and to object based on the document or exhibit not being produced in discovery.

MTGLQ Investors, LP reserved objections

1. N/A

**D. *Statement regarding the Parties' efforts to reach a resolution and positions on attempting to resolve their dispute by mediation.***

Counsel to the Parties have discussed the issue in controversy (post-petition payments) numerous times between the March 21, 2017 filing of the Motion for Relief and this date. Debtors' position is that mediation is unlikely to be successful.

**E. *Statement of contested issues.***

The remaining issue is narrowly focused and deals solely on post-petition mortgage payments that have or have not been made by the Debtor. The Parties are in agreement that there is equity in the Property.

MTGLQ Investors, LP Creditor  
By its attorney,

Roosevelt Coles and Karen Coles, Debtor  
By their attorney,

/s/ Michael E. Swain

/s/ William Parks

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Dated: February 6, 2018

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